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October 27, 2021

**VIA ECF**

Hon. John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Shaquille Dinkins v. City of New York, et al.  
19 Civ. 2336 (JPC) (KHP)

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendants the City of New York, New York City Department of Correction (“DOC”) Captain Gustave, DOC Captain Mitchell, DOC Correction Officer (“CO”) Humphries, DOC CO Young, and DOC CO Mayo in the above-referenced matter. Defendants write herein in response to the Court’s Order dated October 26, 2021 (ECF No. 90), to: (1) advise the Court that defendants are not in contact with plaintiff and are presently unaware of his current address and/or telephone number; and (2) accordingly, respectfully request that the Court adjourn *sine die* the conference scheduled for November 2, 2021 (see ECF No. 89) until such time after plaintiff updates the Court as to his current address.

By way of background, on October 26, 2021, the Court scheduled a telephone conference for November 2, 2021 at 10:00 a.m. to “discuss the discovery issues raised in Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment, Dkt. 87, as well as any other outstanding discovery issues in the case.” (ECF No. 89). Thereafter, the Court issued an Order acknowledging that plaintiff was released from custody on or about September 8, 2021 and has not filed a notice of change of address updating the Court as to his current address. (ECF No. 90). The Court further ordered that defendants advise the plaintiff of the conference scheduled for November 2, 2021, in the event that the defendants are in contact with plaintiff.

Defendants are not in contact with plaintiff, and otherwise are not aware of his present address or telephone number. Accordingly, defendants are unable to advise plaintiff of the conference scheduled for November 2, 2021. Moreover, defendants further note that plaintiff

was warned that the Court may dismiss this action if he fails to submit a written notification if his address changes (see ECF No. 2), and consequently, has previously promptly advised the Court of any change of address (see ECF Nos. 11, 17, 18, 20, 51, 55). Accordingly, defendants respectfully submit that plaintiff's failure to update his address after being released from state custody may signal his intention to abandon the claims at issue in this matter, particularly given the pending, fully dispositive motion for summary judgment.

In light of the foregoing, defendants are respectfully requesting that the Court adjourn *sine die* the conference scheduled for November 2, 2021, until such time after plaintiff updates the Court as to his current address.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

*Andrew B. Spears* /s

Andrew B. Spears  
Assistant Corporation Counsel  
Special Federal Litigation Division<sup>1</sup>

Defendants' request is denied. The status conference on November 2, 2021 at 10 a.m. as ordered by the Court, Dkt. 89, will proceed as scheduled.

SO ORDERED.

Date: October 28, 2021  
New York, New York

*John P. Cronan*  
JOHN P. CRONAN  
United States District Judge

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<sup>1</sup> Defendants note that since they are unaware of plaintiff's current address, they are unable to mail a copy of this submission to plaintiff.